

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Attorney Docket No. 13315US02

In the Application of: MacInnis)	Electronically Filed
)	
U.S. Serial No.: 10/034,414)	Date: March 11, 2008
)	
Filed: December 27, 2001)	
)	
Examiner: Phillippe, Gims)	
)	
Group Art Unit: 2621)	
)	
Confirmation: 1160)	
)	

**APPEAL BRIEF AND RESPONSE TO NOTICE OF NON-COMPLIANT
APPEAL BRIEF**

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

Sir:

This is an appeal from the Office Action made Final mailed March 21, 2007. A Notice of Appeal was filed with the United States Patent and Trademark Office on June 21, 2007. Additionally, a notice of non-compliant appeal brief was mailed on February 11, 2008 indicated that the appeal brief did not identify the status of all claims on appeal. The notice also indicated that Appellant only needed to refile the relevant section of the brief. Accordingly, Appellant presents Section III of the brief, indicating the claims that are appealed.

It is believed that the foregoing places the brief in compliance. Additionally, Commissioner is hereby authorized to charge any fees associated with any actions requested herein, or credit any overpayment to the deposit account of McAndrews, Held & Malloy, Account No. 13-0017.

Respectfully submitted,



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Dated: March 19, 2008

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III. STATUS OF THE CLAIMS

Claims 1-18 were rejected under 35 U.S.C. § 102(b) as being anticipated from U.S. Patent Publication No. 2002/0186322 ("Mair").

Claims 19-21 were rejected under 35 U.S.C. § 103(a) as being obvious from Mair.

Appellant respectfully appeals the rejection of claims 1, 12, 13, 18, and 19.